

recommendation that it do pass, and be printed in the Journal.

MOORE, Chairman.

By Barron, et al. H. B. No. 79

A BILL

To Be Entitled

An Act to amend Section 39, Chapter 212, Page 355, Acts, 1931, 42nd Legislature, Regular Session; and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 39, Chapter 212, Page 355, Acts 1931, 42nd Legislature, Regular Session, be and the same is hereby amended so that said section shall read as follows:

"Section 39. Cigarette Dealers. From all dealers in cigarettes in this State, Five Dollars (\$5.00), a cigarette being the same as defined by the laws of the United States Government. This tax shall be in addition to any other tax levied under the law. Each dealer shall be required to procure an annual license from the County Tax Collector of the county where he proposes to sell cigarettes, which shall be granted for no shorter or longer term than one year. The license shall describe the house and locality where the dealer proposes to sell cigarettes."

Sec. 2. The fact that there is an error in the existing law inasmuch as the Tax Collector and not the County Clerk has always collected occupation taxes, and issued licenses, and the further fact that it is necessary that said error be corrected, creates an emergency and an imperative public necessity demanding that the Constitutional Rule which requires bills to be read on three several days in each House be suspended, and the said Rule is hereby suspended, and this Act shall be in full force and effect from and after its passage, and it is so enacted.

TENTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
September 28, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

House Bill No. 22.

Senator Poage moved to take up H. B. No. 22. The motion prevailed by the following vote:

Yeas—16.

Beck.	Cneal.
Cunningham.	Parrish.
DeBerry.	Patton.
Hardin.	Poage.
Hornsby.	Purl.
Martin.	Rawlings.
Moore.	Small.
Neal.	Thomason.

Nays—6.

Cousins.	Parr.
Gainer.	Williamson.
Holbrook.	Woodul.

Absent.

Berkeley.	Pollard.
Greer.	Russek.
Hopkins.	Woodruff.
Loy.	

Absent—Excused.

Stevenson.	Woodward.
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The Chair laid before the Senate the following bill:

By Mr. Brooks, Mr. Stephens, Mr. Graves, Mr. Dodd, Mr. Barron, Mr. Harrison of Waller, Mr. Wyatt, Mr. Young, Mr. Hoskins, Mr. Rogers, Mr. Coltrin, Mr. Towery, Mr. Terrell of Cherokee, Mr. Adamson, Mr. Gilbert, Mr. Carpenter, Mr. Bond, Mr. Jackson, Mr. Laird, Mr. Sherreill, Mr. Weinert, Mrs. Strong, Mr. Akin, Mr. Brice, Mr. Smith of Bastrop, Mr. Lockhart, Mr. Baker, Mr. Farmer, Mr. Giles, Mr. Hanson, Mr. West of Coryell, Mr. Dale, Mr. Vaughan, Mr. Veatch, Mr. Fisher, Mr. Ferguson, Mr. Smith of Wood, Mr. Cox of Limestone, Mr. Herzik, Mr. Adkins, Mr. Hines, Mr. Westbrook, Mr. Turner, Mr. Donnell, Mr. Cunningham, Mr. Sparkman, Mr. Walker, Mr. Greathouse, Mr. Moffett, Mr. Burns of Walker, Mr. Kennedy, Mr. Engelhard, Mr. Elliott, Mr. Forbes, Mr. McGregor, Mr. Jones of Shelby, Mr. Adams of Jasper, Mr. Hefley, Mr. Bounds, Mr. Justiss, Mr. Ray, Mr. DeWolfe, Mr. Finn, Mr. Holloway, Mr. Scott, Mr. West of Cameron, Mr. Fuchs, and Mr. Shelton:

H. B. No. 22, A bill to be entitled "An Act amending Article 7065, Revised Statutes of Texas, 1925, as

amended by Chapter 88, Section 17, Acts Second Called Session of the Forty-first Legislature, and declaring an emergency."

Read second time.

Senator Poage sent up the following amendments:

Amendment No. 1.

Amend House Bill No. 22 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. The occupation taxes levied and collected under Chapter 88, Acts of the Second Called Session, Forty-first Legislature and Chapter 98, Acts of the Regular Session, Forty-second Legislature, shall be allocated by the Comptroller and placed in the State Treasury as provided in this law immediately upon the collection of the same, in the proportion and as follows: One-fourth of such occupation tax shall go to the available Free School Fund, and one-half of same shall be placed to the credit of the State Highway Fund for the construction and maintenance of the public highways of the State constituting a part of the State system of public highways as designated by the State Highway Commission. One-fourth of same or so much thereof as may be necessary shall be placed in a suspense account with the State Treasurer and shall be held by him for the various counties of the State having outstanding as of January 1, 1931, bonds issued for the purpose of construction or improvement of roads and bridges, which have become a part of the State Highway System of Roads. The Comptroller, State Treasurer and State Highway Engineer on or before January 1, 1932, shall ascertain the amount of such bonds which each county in this State had outstanding prior to the passage of this Act, issued for the purpose above mentioned, and shall allocate to each said county a proportionate part of said Fund which the outstanding bonded indebtedness as aforesaid, bears to the total outstanding bonded indebtedness of all such counties as ascertained by them. Upon calculating the amount belonging to each county the State Highway Engineer and the Comptroller shall furnish the State Treasurer with a certificate of that fact, and the Treasury on such certificate, shall pay over such

amount to the County Treasurer of each such county, and the said amount allotted to such county shall be kept by such county treasurer as a trust fund for the payment of the interest and for the retirement of such pro rata part of the bonds declared to be the proportionate part used for the building of the State highways in that county, and said allotment shall be used for no other purpose; and the said county treasurer shall pay out said amount for that purpose only. Should such county treasurer pay out such allotment or any part thereof for any other purpose, it shall be deemed to be a misapplication of public trust funds and punished as in such cases provided. The county receiving the same shall use the same only for the purpose of retiring such bonds, or paying the annual interest and sinking fund thereon. On or before January 1st, thereafter a like determination as of January 1st, preceding, and a like allocation and remittance shall be made for the same purpose. The word 'county' as used herein, shall include road districts in such county. The Attorney General shall bring suit in behalf of the State in any court of competent jurisdiction in Travis County to recover the amount of taxes, penalties and interest past due and payable by any person affected by this law.

Sec. 2. The commissioners' court, county auditor, and various other county officers possessing records and accounts of road building in counties affected by this Act shall aid the Comptroller, State Treasurer, and State Highway Engineer with such accounts and records and any other evidence in their keeping to ascertain the amount of outstanding bonds issued for the purpose of construction or improvements of roads and bridges, as provided in Section 1 hereof. Provided further, when it shall appear that in any county affected by the terms of this Act, such county or road districts or road precincts therein have issued road bonds therein, part of which was used for lateral roads, and part for State highways, the part so used for State highways shall be ascertained for the purpose of this Act; provided, further; the commissioners' courts, or other tax rate fixing bodies in the various counties in this State, shall first subtract from the entire amount

of money required to be raised to pay the annual interest and sinking fund on all outstanding road bonds in such county, road precinct, or road district in said county, the amount of money payable hereunder and shall fix a rate of taxation sufficient only to pay the annual interest and sinking fund on the unpaid balance of such annual interest and sinking fund on such bonds.

Sec. 3. The fact that the Constitution provides that counties may collect occupation tax where the State has levied such taxes and the fact that this Act authorizes counties to receive their just portion of the occupation taxes collected on the sale of gasoline creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and it is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

POAGE,
LOY.

Read and adopted.

Amendment No. 2.

Amend House Bill No. 22 by striking out all above the enacting clause and inserting in lieu thereof the following:

"A bill to be entitled an Act providing for the allocation of the occupation taxes levied and collected under Chapter 88, Acts of the Second Called Session, Forty-first Legislature and Chapter 98, Acts of the Regular Session, Forty-second Legislature; providing the manner of distribution; providing that such monies that are transferred to the counties shall be taken into consideration in fixing the tax rate of such counties and declaring an emergency."

POAGE,
LOY.

Read and adopted.

Senator Martin sent up the following amendment:

Amend H. B. No. 22, by striking out all below the enacting clause and adding the following:

Section 1. That Article 7065 Revised Statutes of Texas, 1925, as amended by Chapter 88, Section 17, Acts Second Called Session of the

Forty-first Legislature be amended so as to read:

"Article 7065 (7377) Tax on Gasoline. Every person selling at wholesale in intrastate commerce in this State any gasoline shall pay to the State of Texas an occupation tax equal to six (6) cents per gallon so sold by such person. Such tax shall be due and payable at the office of the Comptroller at Austin on the 25th day of each month, based on such sales made during the calendar month next preceding. Every such person so selling gasoline shall, on or before the 25th day of each month make and deliver to the Comptroller a report sworn to as correct by such person before an officer authorized to administer oaths in this State (or, if other than an individual, so sworn to by its president, secretary, treasurer, or other duly authorized officer, or by its representatives in charge of such interstate sales of such gasoline), on such forms as said Comptroller shall prescribe of the total number of gallons of gasoline sold at wholesale in intrastate commerce in this State by such person during the next preceding calendar month. The term 'selling at wholesale' or 'sales at wholesale' as used in this law shall include:

"1. Any and all sales of gasoline in any quantity whatsoever in intrastate commerce in this State to the retailer to be sold by such retailer in any quantity whatsoever.

"2. Any and all sales to consumer, in intrastate commerce in this State, of gasoline refined, compounded, manufactured, blended or prepared in this State where such sales are made by the person so refining, compounding, manufacturing, blending or preparing same whether such sales are made in such person's own name or in the name of other or in the name of a representative, agent or employee of such person.

"3. Any and all sales in any quantity whatsoever to the consumer in intrastate commerce in this State of gasoline brought into the State from outside the State, except that gasoline which is sold in intrastate commerce to the retailer for sale to the consumer, the selling of which latter mentioned is covered by subdivision 1 hereof.

"Failure of the Comptroller to furnish any person affected by this Law with a form for any report re-

quired to be made by such person shall not relieve such person of liability for penalties for failure to comply with this law as to any such report. Every person required to pay said tax shall keep a complete record of all sales at wholesale made upon which the occupation tax herein levied is measured or computed, which record shall be in a permanently bound book or books (not loose leaf) and shall show the date of each such sale; the amount of same; to whom (except as to sales to the consumer) each such sale was made; from what place such gasoline was shipped and the name of the place of delivery of same. All of which records shall be open at all times to official inspection and examination of the Comptroller, or of the Attorney General, or any authorized employee or representative of such Comptroller or Attorney General. Any such person failing to keep such record or records as herein required shall forfeit to the State as a penalty an amount not exceeding one thousand (\$1,000.00) dollars; and for each day such person so fails to keep such record or records a separate penalty shall accrue. Any person required to pay an occupation tax by this law failing to pay such tax on or before the date same is due and payable, shall pay to the State as a penalty an additional ten (10%) per cent of the amount of the tax due on said date and such tax and penalty shall draw interest at the rate of eight (8%) per cent per annum from due date until paid.

Any person required to make any report under this law failing to make the same in the manner or within the time prescribed by this law shall forfeit to the State a penalty of not to exceed One Thousand (\$1,000.00) Dollars. Such penalty shall draw eight (8%) per cent from the due date until paid. And provided that this Act shall remain in force and effect for a period of two (2) years from date of the enactment of same. The occupation taxes herein levied shall be allocated by the Comptroller and placed in the State Treasury as provided in this law immediately upon the collection of the same in the proportions and as follows: One-fourth of such occupation tax shall go to the available Free School Fund, and one-half of same shall be placed to the credit of the

State Highway Fund for the construction and maintenance of the public highways of the State constituting a part of the State system of public highways as designated by the State Highway Commissioner. One-eighth of such occupation tax shall be placed in the State Treasury to the credit of the General Revenue Fund, and one-eighth of same or so much as may be necessary shall be placed in a suspense account with the State Treasurer and shall be held by him for the various counties of the State having outstanding as of January 1, 1931, bonds or warrants issued for the purpose of construction or improvement of roads and bridges, which have become a part of the State Highway System of roads, or bonds or warrants which may thereafter with the approval of the State Highway Commissioner be issued and sold for the same purposes. The Comptroller, State Treasurer and State Highway Engineer on or before January 1, 1932, shall ascertain the amount of such bonds or warrants which each county in this State had outstanding prior to the passage of this Act, issued for the purposes above mentioned, and shall allocate to each said county a proportionate part of said fund which the outstanding bonded or warrant indebtedness as aforesaid, bears to the total outstanding bonded or warrant indebtedness of all such counties as ascertained by them. Upon calculating the amount belonging to each county the State Highway Engineer and the Comptroller shall furnish the State Treasurer with a certificate of that fact, and the Treasurer on such certificate, shall pay over such amount to the county treasurer of each such county, and the said amount allotted to such county shall be kept by such county treasurer as a trust fund for the payment of the interest and for the retirement of such pro rata part of the bonds or warrants declared to be the proportionate part used for the building of the State Highways in that county, and said allotment shall be used for no other purpose; and the said county treasurer shall pay out said amount for that purpose only. Should such county treasurer pay out such allotment or any part thereof for any other purpose, it shall be deemed to be a misapplication of public trust funds and punished as in

such cases provided. The county receiving the same shall use the same only for the purpose of retiring such bonds or warrants or paying the annual interest and sinking fund thereon. On or before January 1st, thereafter a like determination as of January 1st preceding, and a like allocation and remittance shall be made for the same purpose. The word 'county' as used herein, shall include road districts in such county. The Attorney General shall bring suit in behalf of the State in any court of competent jurisdiction in Travis County to recover the amount of the taxes, penalties and interest past due and payable by any person affected by this law. The word 'gasoline' as used in this Law means gasoline or gasoline substitute refined, compounded, blended or prepared in whole or in part from any derivative fraction or product of petroleum or natural gas; and shall also include what is commonly known as gasoline so refined, compounded, blended, manufactured or prepared; and shall include all fuels ordinarily, practically and commercially usable and combustible in internal combustion engines for the generation of power in propelling motor vehicles upon and over the highways of this State, howsoever and from whatsoever refined or blended. The word 'person' as used in this Law shall include persons, firms, partnership companies, corporations, associations, receivers, common law trusts, those operating under a declaration of trust, or other concern by whatsoever name known or howsoever organized, formed or created. It is the purpose and intent of this Law to levy an occupation tax that will not operate to burden the industry with the tax every time any particular gasoline is sold, but to place the tax on only one transaction as to any particular gasoline to the end that the tax will bear equally and uniformly on the gasoline industry. (Acts Third Called Session, 1923, page 158.)"

Sec. 1A. The Commissioners' Courts, county auditors, and various other county officers possessing records and accounts of road building in counties affected by this Act shall aid the Comptroller, State Treasurer, and State Highway Engineer with such accounts and records and any other evidence in their

keeping to ascertain the amount of outstanding bonds issued for the purpose of construction or improvements of roads and bridges, as provided in Section 1 hereof. Provided further, when it shall appear in any county affected by the terms of this Act, such county or road districts or road precincts therein have issued road bonds or warrants therein, part of which was used for lateral roads, and part for State Highways, the part so used for State Highways shall be ascertained for the purposes of this Act; provided further, the Commissioners' Courts, or other tax rate fixing bodies in the various counties in this State, shall first subtract from the entire amount of money required to be raised to pay the annual interest and sinking fund on all outstanding road bonds or warrants in such county, road precinct, or road district in said county, the amount of money payable hereunder and shall fix a rate of taxation sufficient only to pay the annual interest and sinking fund on such bonds or warrants.

Sec. 2. The fact that the Constitution provides that counties may collect occupation tax where the State has levied such taxes and the fact that this Act authorizes counties to receive their just portion of the occupation taxes collected on the sale of gasoline creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and it is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

MARTIN,

The amendment was read.

Senator Hornsby sent up the following amendment to the amendment:

Amend the proposed amendment by striking out the words and figures 6 cents, wherever they appear and insert 5 cents in lieu thereof.

HORNSBY.

Read and lost by the following vote:

Yeas—11.

Cousins.	Gainer.
Cunningham.	Greer.
DeBerry.	Hornsby.

Loy.
Parrish.
Patton.

Thomason.
Williamson.

Nays—13.

Hardin.
Holbrook.
Martin.
Moore.
Neal.
Oneal.
Parr.

Poage.
Purl.
Rawlings.
Russek.
Small.
Woodul.

Absent.

Beck.
Hopkins.

Pollard.
Woodruff.

Absent—Excused.

Berkeley.
Stevenson.

Woodward.

Senator Purl moved to table the amendment. The motion prevailed by the following vote:

Yeas—17.

Cousins.
Cunningham.
DeBerry.
Hardin.
Holbrook.
Loy.
Moore.
Oneal.
Parr.

Patton.
Poage.
Purl.
Rawlings.
Russek.
Small.
Thomason.
Williamson.

Nays—7.

Beck.
Gainer.
Greer.
Hornsby.

Martin.
Neal.
Parrish.

Absent—Excused.

Berkeley.
Pollard.
Stevenson.

Woodruff.
Woodward.

(Pair Recorded.)

Senator Woodul (present) who would vote yea, with Senator Hopkins (absent) who would vote nay.

Senator Moore sent up the following amendment:

Amend amendment to H. B. No. 22, Section 2 as follows:

In counties where road district or precinct bonds and/or warrants have been voted or issued and the money expended on highways other than State highways, the commissioners' court of the county together with the

State officials named above, shall distribute the funds herein allocated to retire all such road district and/or precinct bonds and/or warrants.

MOORE.

Read and lost.

The bill was passed to third reading by the following vote:

Yeas—16.

Beck.
Cunningham.
DeBerry.
Hardin.
Hornsby.
Loy.
Martin.
Moore.

Oneal.
Parrish.
Patton.
Poage.
Rawlings.
Russek.
Small.
Thomason.

Nays—6.

Cousins.
Gainer.
Holbrook.

Parr.
Purl.
Williamson.

Absent.

Neal.

Absent—Excused.

Berkeley.
Pollard.

Stevenson.
Woodward.

(Pairs Recorded.)

Senator Greer (present) who would vote nay, with Senator Woodruff (absent) who would vote yea.

Senator Woodul (present) who would vote nay, with Senator Hopkins (absent) who would vote yea.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 22 was put on its third reading and final passage, by the following vote:

Yeas—19.

Beck.
Cunningham.
DeBerry.
Greer.
Hardin.
Hornsby.
Loy.
Martin.
Moore.
Oneal.

Parr.
Parrish.
Patton.
Poage.
Purl.
Rawlings.
Russek.
Small.
Thomason.

Nays—5.

Cousins.
Gainer.
Holbrook.

Williamson.
Woodul.

Absent.

Neal.

Absent—Excused.

Berkeley.	Stevenson.
Hopkins.	Woodruff.
Pollard.	Woodward.

Read third time and finally passed by the following vote:

Yeas—18.

Beck.	Oneal.
Cunningham.	Parr.
DeBerry.	Parrish.
Hardin.	Patton.
Hornsby.	Poage.
Loy.	Rawlings.
Martin.	Russek.
Moore.	Small.
Neal.	Thomason.

Nays—5.

Cousins.	Purl.
Gainer.	Williamson.
Holbrook.	

Absent—Excused.

Berkeley.	Stevenson.
Pollard.	Woodward.

(Pairs Recorded.)

Senator Greer (present) who would vote nay, with Senator Woodruff (absent) who would vote yea.

Senator Woodul (present) who would vote nay, with Senator Hopkins (absent) who would vote yea.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Sept. 28, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 18, Relative to the selection of a map of Brazoria County.

H. C. R. No. 24, With reference to the purchase of additional or new text books for the year 1931-1932.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill Re-committed.

On motion of Senator Moore, H. B. No. 78 was re-committed to the Committee on State Affairs.

Free Conference Granted.

On motion of Senator Purl, the Senate granted the request of the House for a conference committee on H. B. No. 44.

The Chair appointed the following on the part of the Senate:

Senators Purl, Greer, Moore, Rawlings, and Williamson.

Simple Resolution No. 28.

Senator Neal sent up the following resolution:

Whereas, Mr. and Mrs. Hal Sevier of Austin, San Antonio and Corpus Christi are visiting Austin for the first time in several years, and are now on the floor of the Senate, now therefore,

Be It Resolved, That Mr. and Mrs. Sevier be invited to address the Senate, and be accorded the privileges of the floor.

NEAL,
PARR,
WILLIAMSON.

Read and adopted.

Colonel and Mrs. Sevier Speak.

The Chair appointed Senators Neal and Williamson to escort Col. and Mrs. Hal Sevier to the platform.

The Chair introduced Mrs. Clara Driskill Sevier who briefly addressed the Senate.

The Chair introduced Col. Hal Sevier who briefly addressed the Senate.

Free Conference Report.

Senator Purl sent up the following conference committee report:

Committee Room.

Austin, Texas, Sept. 28, 1931.
Hon. Edgar E. Witt, President of the Senate,

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: The Free Conference Committee on H. B. No. 44,

"An Act to amend Chapter 47 of the First Called Session of the Forty-first Legislature, as amended by Chapter 140 of the Acts of the Regular Session of the Forty-second Legislature, etc."

Having met after full and free conference, have agreed to recommend, and do recommend to the respective Houses as follows:

1st. That the House agree to the

amendment placed on said bill by the Senate;

2nd. In addition thereto it is recommended that the bill be further amended by adding at the end of Section 1 of said bill the following words:

"The provisions of this Act shall not apply to any school district involved in litigation on September 28, 1931."

3rd. That the bill when so amended be finally passed.

Respectfully submitted,

PURL,
WILLIAMSON,
GREER,
RAWLINGS,
MOORE,

On the part of the Senate.

McCOMBES,
COOMBES,
SAVAGE,
HOLDER.

On the part of the House.

Read and adopted by the following vote:

Yeas—25.

Beck.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hornsby.	Small.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	

Absent—Excused.

Berkeley.	Stevenson.
Hopkins.	Woodruff.
Pollard.	Woodward.

House Bill No. 74.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 74, A bill to be entitled "An Act making an emergency appropriation out of the funds belonging to the State Highway Department, not otherwise appropriated, for the purpose of paying the expenses necessary to carry out and complete the provisions of House Bill No. 688, Acts of the Forty-second

Legislature, Regular Session, Chapter 79, page 121, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 74 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hornsby.	Small.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	

Absent—Excused.

Berkeley.	Stevenson.
Hopkins.	Woodruff.
Pollard.	Woodward.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hornsby.	Small.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	

Absent—Excused.

Berkeley.	Stevenson.
Hopkins.	Woodruff.
Pollard.	Woodward.

Motion to Adjourn.

Senator Purl moved to adjourn until 2 o'clock p. m. The motion was lost by the following vote:

Yeas—10.

DeBerry.	Parrish.
Greer.	Poage.
Hardin.	Purl.
Moore.	Rawlings.
Oneal.	Williamson.

Nays—13.

Beck.	Parr.
Cousins.	Patton.
Cunningham.	Russek.
Gainer.	Small.
Holbrook.	Thomason.
Hornsby.	Woodul.
Neal.	

Absent.

Loy.	Martin.
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Absent—Excused.

Berkeley.	Stevenson.
Hopkins.	Woodruff.
Pollard.	Woodward.

House Bill No. 76.

The Chair laid before the Senate the following bill:

H. B. No. 76, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000) or so much thereof as may be necessary out of the General Revenue to pay the per diem and mileage of members; the per diem of officers and employees; and the contingent expense of the Second Called Session of the Forty-second Legislature of the State of Texas, convened on the 8th day of September, 1931, by proclamation of the Governor; to supplement the like appropriation of the Regular and First Called Sessions of said Legislature; to pay any unpaid vouchers or warrants held by members, officers, or employees of the Regular and First Called Sessions of said Legislature; etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 76 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	DeBerry.
Cousins.	Gainer.
Cunningham.	Greer.

Hardin.	Patton.
Holbrook.	Poage.
Hornsby.	Purl.
Loy.	Rawlings.
Martin.	Russek.
Moore.	Small.
Neal.	Thomason.
Oneal.	Williamson.
Parr.	Woodul.
Parrish.	

Absent—Excused.

Berkeley.	Stevenson.
Hopkins.	Woodruff.
Pollard.	Woodward.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hornsby.	Small.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	

Absent—Excused.

Berkeley.	Stevenson.
Hopkins.	Woodruff.
Pollard.	Woodward.

Adjournment.

On motion of Senator Purl, the Senate, at 12:01 o'clock p. m., adjourned until 2 o'clock p. m.

APPENDIX.

Petitions and Memorials.

Copy of resolution in regard to acreage reduction of wheat passed by the Board of Directors of the Texas Wheat Growers Association in called session, Amarillo, Texas, September 22, 1931.

Whereas, The Texas Legislature has passed a bill with the principal idea of the conservation of the soil which will naturally result in cotton acreage reduction, and

Whereas, The price of wheat is even more deplorable than the price of cotton, and

Whereas, The reduction in cotton acreage will undoubtedly cause some land commonly farmed in cotton to be sown to wheat, thus increasing wheat production, and causing a still heavier burden to fall upon the actual and dependable wheat farmers; therefore, be it

Resolved, by the Board of Directors of the Texas Wheat Growers Association, That the Texas Legislature enact a law giving wheat farmers the same protection as has been given the cotton farmers of Texas.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Sept. 26, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 8, carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, Sept. 26, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 37, carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, Sept. 26, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 44, carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

ELEVENTH DAY:

Senate Chamber,
Austin, Texas,
September 28, 1931.

The Senate met at 2 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	DeBerry.
Cousins.	Gainer.
Cunningham.	Greer.

Hardin.	Poage.
Holbrook.	Patton.
Hornsby.	Purl.
Loy.	Rawlings.
Martin.	Russek.
Moore.	Small.
Neal.	Thomason.
Oneal.	Williamson.
Parr.	Woodruff.
Parrish.	Woodul.

Absent—Excused.

Berkeley.	Stevenson.
Hopkins.	Woodward.
Pollard.	

Prayer by the Rev. A. W. Jones of Llano.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gainer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

S. C. R. No. 14.

Senator Loy sent up the following resolution:

Relating to the unemployed situation and suggesting measures for relief.

Whereas, the general unrest in our economic system today is largely one of unemployment which is very widespread and growing constantly worse each day, and

Whereas, we desire to avoid the dole system toward which we are gravitating, and

Whereas, some action seems to be justifiable by governmental bodies which will bring about permanent relief and benefits, and

Whereas, that considerable suffering and want will be brought about under existing conditions of unemployment which will be further aggravated by the approaching winter months, now,

Therefore, Be It Resolved by the Senate, the House of Representatives concurring, that it is the sense of the Legislature of the State of Texas that a committee be appointed to make a survey of existing conditions of unemployment with the view to making recommendations for the use of all labor possible in the con-